

# **Instructions for Preparation of the Tennessee Medical and Professional Malpractice Claims and Expenses Reporting Form for the Reporting Period of January 1, 2005, through December 31, 2005**

## **Reporting Entity**

To determine whether an individual, company or other entity qualifies as a "reporting entity" under the law, please refer to Tenn. Code Ann. § 56-54-101 *et seq.*, and Tenn. Comp. R. & Regs., tit. Dept. of Commerce and Ins., ch. 0780-1-84 (Medical and Professional Malpractice Claims and Expense Reporting).

Tenn. Code Ann. § 56-54-101, *et seq.*, may be viewed by entering the statute number in the "Search" box at the following web address:

<http://198.187.128.12/tennessee/lpext.dll?f=templates&fn=fs-main.htm&2.0>

Tenn. Comp. R. & Regs., tit. Dept. of Commerce and Ins., ch. 0780-1-84 may be viewed at the following web address:

<http://www.state.tn.us/sos/rules/0780/0780-01/0780-01-84.pdf>

## **Contact Information**

A completed Tennessee Medical and Professional Malpractice Claims and Expenses Reporting Form ("reporting form") or affidavit should be marked "Confidential" and mailed to the address listed below.

Any questions regarding the Tennessee Medical and Professional Malpractice Claims and Expenses Reporting should be sent in writing via U.S. Mail, hand delivery, facsimile, or electronic message to the following:

Medical and Professional Malpractice Claims and Expenses Reports  
c/o Ms. Linda Gay  
Tennessee Department of Commerce and Insurance  
Davy Crockett Tower, Fourth Floor  
500 James Robertson Parkway  
Nashville, Tennessee 37243-0565  
Telephone: (615) 532-4204  
Facsimile: (615) 532-2788  
[Linda.Gay@state.tn.us](mailto:Linda.Gay@state.tn.us)

## **No Claims Activity to Report**

If a reporting entity determines that there is no claims activity to report, the reporting entity must submit an affidavit on or before April 1, 2006, using the form posted on the Department's website at [www.state.tn.us/commerce/insurance](http://www.state.tn.us/commerce/insurance). The affidavit can be found under "Company Resources". The affidavit must bear original signatures and be notarized. The original document should be marked "Confidential" and mailed to the aforementioned address.

## **Submit Claims Information**

All entities who have claims information to report must compile the data on the reporting form prescribed by the Department. The reporting form can be found at the Department's website at [www.state.tn.us/commerce/insurance](http://www.state.tn.us/commerce/insurance). The reporting form can be found under "Company Resources". The completed reporting form must be submitted on compact disk ("CD"). The reporting entity name must be clearly marked on the CD. Please be assured that the report shall not identify any individual entity or health care provider pursuant to Tenn. Code Ann. § 56-54-101(4)(h).

The CD must be received at the aforementioned address on or before April 1, 2006.

## **Information and Guidelines for the Revised 2005 Reporting Form(s) due April 1, 2006:**

- The reporting form is a Microsoft Excel workbook that contains four (4) separate worksheets.  
It is essential that the reporting entity use the appropriate worksheets to report all claims.
- A separate reporting form or affidavit must be submitted for each individual reporting entity in the format prescribed by the Commissioner. Group filings cannot be accepted.
- Reporting entities must complete the contact information at the top of the reporting form. This portion of the reporting form includes shaded areas. Successful insertion of the required information automatically removes the shading. This information is required to confirm compliance with Tenn. Code Ann. § 56-54-101. Please be assured that the annual report submitted to the Speaker of the Senate and Speaker of the House of Representatives shall not identify any individual entity or health care provider pursuant to Tenn. Code Ann. § 56-54-101(4)(h).

- Instructions have been embedded within the reporting form. To view the instructions for filling out the form, hold the cursor over the first row under each column heading. These instructions explain the correct formatting and type of data required. If the reporting entity attempts to include information in a format other than the established format, an error message will occur.
- The reporting form no longer contains any embedded formulas or calculations.
- The reporting form will expand to include additional rows as needed to accommodate the number of claims to be reported.
- All data submitted in the reporting form must be submitted on a CD in the form prescribed by the Commissioner.
- The reporting form shall contain information identifying those claims that are subject to settlement or judgment which were contained in a prior report as a pending claim.
- Any column requiring information other than currency data which is left blank by the reporting entity will be assumed to be "not applicable".
- Any column requiring currency data which is left blank will be assumed to be zero (0).
- All data located in columns should be in alpha-numeric format unless otherwise stated. When using numeric data, only regular decimal formats should be used. No compressed or binary (small or large integer) data will be accepted as valid.
- All licensed healthcare providers and institutions have a license number issued by the Tennessee Department of Health. This number should be expressed numerically without any other characters [e.g.–hyphens (-)] or spaces within the license number.

### **Information Not in the Reporting Entity's Control**

In the previous reporting year, reporting entities commented that some information requested on the reporting form is not within the reporting entity's control. If such is the case, the reporting entity must be able to document the efforts it undertook to attempt to obtain such information, outline said efforts in writing to the Department, and report any information gained.

Please note that this guideline does not apply to the license number of the healthcare provider or institution. This information is readily accessible on the Tennessee Department of Health's website, <http://www2.tennessee.gov/health/> and must be included in the reporting form. Failure to provide such information will cause the reporting entity to be in non-compliance with Tenn. Comp. R. & Regs., tit. Dept. of Commerce and Ins., ch. 0780-1-84, and penalties outlined in the statute may apply.

## **Penalties**

Failure to submit all required information in the reporting form prescribed by the Commissioner on or before the April 1 deadline may subject a reporting entity to the penalties outlined in Tenn. Code Ann. § 56-54-101(l) and Tenn. Comp. R. & Regs., tit. Dept. of Commerce and Ins., ch. 0780-1-84-.05.

It must be noted that determining the applicability of the reporting statute and rules is the responsibility of each reporting entity.